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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,141	10/27/2003	Jeff Cuppett	00121-003100000	6452
31064 7590 09/03/2008 WIESNER & ASSOCIATES 366 CAMBRIDGE AVENUE PALO ALTO, CA 94306				
EXAMINER LAMARRE, GUY J				
ART UNIT 2112		PAPER NUMBER		
MAIL DATE 09/03/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/695,141

**Applicant(s)**

CUPPETT ET AL.

**Examiner**

Guy J. Lamarre

**Art Unit**

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Attachment Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/27/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-640)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED OFFICE ACTION**

- \* The Examiner notes that Species II of the last office action included **Claims 7-8.**

**Claim Rejections - 35 USC § 102**

- \* **Claims 1-6, 9-11** are rejected under 35 U.S.C. 102(c,b) as being anticipated by USPN 6728861 to **Roach et al.**, or **Applicant's Admitted Prior Art** or in the alternative as being obvious over **Applicant's Admitted Prior Art** and USPN 6356944 to **McCarty** because *Switch Fabric 430* in **McCarty** provides hardware for error detection and correction in format/command frames passing therethrough at col. 8 line 6.

**.1 As per Claims 1-6, 9-11, Roach et al.** discloses validation of format and command information via hardware at wire speed in a fiber optic environment and logging of format and command information detected as erroneous/invalid, e.g., *'A device in a Fibre Channel network may include a frame receive queue coupled to a node port. The frame receive queue may receive frames from the node port and extract the Start-of-Frame(SOF) and End-of-Frame (EOF) delimiters for the frame and the header and first eight words in the payload (PLW 0-7). The frame receive queue may alternate the storing of this information between two memory banks. Frame validation circuitry may use the information in the memory banks to perform consistency checks on received frames and produce a result for each frame.'* at col. 3 line 20 et seq..

**.2 As per Claims 1-6, 9-11, Applicant's Admitted Prior Art** discloses validation of format and command information in software and logging of format and command information detected as erroneous/invalid at paras. 3-5.

**Claim Rejections - 35 USC § 112 SECOND PARAGRAPH**

- \* The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- **Claims 1-6, 9-11** stand rejected under 35 USC § 112 SECOND PARAGRAPH for failing to particularly point out and distinctly define the subject matter which the applicant

regards as his invention because it is not clear to the Examiner how the gates are configured in hardware to validate format/command or what the structure of gates is.

- It is also not clear to the Examiner how the gates are configured in hardware to effect format/command validation at wire speed.

### **CONCLUSION**

\* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (571) 272-3826. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques, can be reached at (571) 272-6962.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3609.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Guy J Lamarre/**  
Primary Examiner, Art Unit 2112

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